



CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-2009-0088]

Proposed Extension of Approval of Information Collection; Comment Request; Third Party Conformity Assessment Body Registration Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC) requests comment on a proposed extension of approval of information collection regarding the requirements pertaining to a third party conformity assessment bodies registration form. CPSC will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (OMB).

DATES: Submit written or electronic comments on the collection of information by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may submit comments, identified by Docket No. CPSC-2009-0088, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: www.regulations.gov. Follow the instructions for submitting comments. CPSC does not accept comments submitted by electronic mail (e-mail), except as described below. CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Mail/hand delivery/courier/confidential Written Submissions: Submit comments by mail, hand delivery, or courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone: (301) 504-7479. If you wish to submit confidential business information, trade secret information, or other sensitive

or protected information that you do not want to be available to the public, you can submit such material by mail, hand delivery, or courier, or you can e-mail it to: cpsc-os@cpsc.gov.

Instructions: All submissions must include the agency name and docket number. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal information provided, to: www.regulations.gov. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If you wish to submit such information, please submit it according to the instructions for mail/hand delivery/courier/confidential written submissions.

Docket: For access to the docket to read background documents or comments received, go to: www.regulations.gov, and insert the docket number, CPSC-2009-0088, into the “Search” box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7991, or by e-mail to: cgillham@cpsc.gov.

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Third Party Conformity Assessment Body Registration Form

OMB Number: 3041-0143

Type of Review: Renewal of collection

Frequency of Response: On occasion

Affected Public: Third party conformity assessment bodies seeking acceptance of accreditation or continuing accreditation

Estimated Burden: The CPSC estimates the burden of the collection of information in CPSC Form 223 is as follows:

Estimated Annual Reporting Burden

Activity	Number of Respondents	Frequency of Responses	Total Annual Responses	Hours per Response	Total Hours
Initial Registration	26	1	26	1	26
Re-Registration	303	1	303	1	303
Changes in Information	2	1	2	0.25	0.5
Total					329.5

These estimates are based on the following information:

- Based on applications received from FY 2013 to date, we estimate the number of third party conformity assessment bodies who would register each year for the next 3 years would be 26.
- Under 16 CFR part 1112, third party conformity assessment bodies are required to resubmit CPSC Form 223 every 2 years. As all third party conformity assessment bodies have not submitted their first CPSC Form 223s at the same time, only about half would be expected to resubmit a CPSC Form 223 in any 1 year. As of August 2022, 606 third party conformity assessment bodies have registered with CPSC. Approximately half (303) of these firms would be required to re-register with CPSC each year.
- Under 16 CFR part 1112, third party conformity assessment bodies are required to ensure that the information submitted on CPSC Form 223 is current and must submit a new CPSC Form 223 whenever the information changes. Based on current experience with third party conformity assessment bodies, we estimate that two third party conformity assessment bodies will make revisions per year to update their information. A change in information is a change that does not require review of laboratory accreditation documents, such as scope or test methods. Examples of revised information include changes in the website URL, name of the laboratory, and name of laboratory point of contact.

The total burden, therefore, is 329.5 hours, which we round up to 330 hours. We estimate that hourly compensation for the time required for recordkeeping is \$36.59 per hour (U.S. Bureau of Labor Statistics, “Employer Costs for Employee Compensation (ECEC),” Table 4: Total compensation for private industry workers in sales and office occupations within goods-producing industries, June 2022, public news release url: www.bls.gov/news.release/archives/ecec_09202022.pdf). The total cost burden to the respondents is approximately \$12,075 ($\$36.59 \times 330 \text{ hours} = \$12,074.70$).

General Description of Collection: The Consumer Product Safety Improvement Act of 2008 (CPSIA) requires third party testing to be conducted by a third party conformity assessment body for any children’s product that is subject to a children’s product safety rule, before importing for consumption or warehousing or distributing in commerce. The CPSIA allows accreditation of third party conformity assessment bodies to be conducted either by the Commission, or by an independent accreditation organization designated by the Commission. In addition, the CPSIA requires that the Commission maintain on its website an up-to-date list of entities that have been accredited to assess conformity with children’s product safety rules. With the exception of firewalled third party conformity assessment bodies, which must be approved by Commission order as stated in 16 CFR 1112.13(b), the Commission has chosen to accept the accreditation of third party conformity assessment bodies that meet accreditation requirements of an independent accreditation organization. 16 CFR 1112.13(a).

To assess a third party conformity assessment bodies’ qualifications for acceptance by CPSC, information related to location, accreditation, and ownership must be collected from third party conformity assessment bodies. The CPSC uses an online collection form, CPSC Form 223, to gather information from third party conformity assessment bodies voluntarily seeking acceptance by CPSC. The information collected relates to location, accreditation, and ownership. Commission staff uses this information to assess:

- A third party conformity assessment body's status as an independent third party conformity assessment body, a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body;
- Qualifications for acceptance by CPSC to test for compliance to specified children's product safety rules; and
- Eligibility for acceptance on the CPSC website.

Part 1112 requires the collection of information in CPSC Form 223:

- Upon initial application by the third party conformity assessment body for acceptance by CPSC;
- Whenever there is a change to accreditation or ownership information; and
- At least every 2 years as part of a regular audit process.

Request for Comments

CPSC solicits written comments from all interested persons about the proposed collection of information. CPSC specifically solicits information relevant to the following topics:

- Whether the collection of information described is necessary for the proper performance of CPSC's functions, including whether the information would have practical utility;
- Whether the estimated burden of the proposed collection of information is accurate;
- Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- Whether the burden imposed by the collection of information could be minimized by use of automated, electronic, or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary,

Consumer Product Safety Commission.

